

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DISABLED PATRIOTS OF AMERICA, INC., a :	:	
Florida Non Profit Corporation, and BONNIE :	:	
KRAMER, Individually,	:	
	:	
Plaintiffs,	:	Case No. 1:07-cv-6610
	:	
v.	:	Judge David H. Coar
	:	Magistrate Judge Sidney I. Schenkier
ANU ENTERPRISES INC., An Illinois :	:	
Corporation,	:	
	:	
Defendant.	:	
	/:	

PLAINTIFFS' MOTION FOR RELIEF FROM JUDGMENT

Plaintiffs, DISABLED PATRIOTS OF AMERICA, INC., a Florida Non Profit Corporation, and BONNIE KRAMER, Individually, by and through undersigned counsel and pursuant to Fed. R. 60(b), hereby file this Motion For Relief From Judgment and state as follows:

1. Plaintiffs commenced this action pursuant to Title III of the Americans With Disabilities Act, 42 U.S.C. Sections 12181, et seq., seeking the removal of discriminatory barriers present at the place of public accommodation known as North Park Mall, 270 W. North Ave., Villa Park, Illinois.

2. Plaintiffs have been encountering difficulties in ascertaining the proper owner of the subject property. Although investigation indicates that this property is nominally owned by Arun Enterprises, Inc., subsequent investigation reveals that the owner of the property no longer operates under this name. Instead, it is believed that the property owner operates under the name of Anu Enterprises, Inc. Plaintiffs amended their complaint and are attempting to serve this new entity.

3. On March 19, 2008, this Court reset the initial conference to April 22, 2008. [DE 11.]

Due, however, to an inadvertent error in noting this scheduling order, the office of the undersigned counsel mistakenly failed to properly enter the new date in its scheduling system. Accordingly, undersigned counsel did not know of the scheduled hearing until receipt of the Court's Order dated April 25, 2008 [DE 16], dismissing the case for want of prosecution.

4. Plaintiffs respectfully request that this Court re-open the instant action and allow Plaintiffs to move forward with their attempts at serving the proper defendant. Plaintiffs submit that Defendant is not prejudiced by this request as Defendant has not yet been served.

MEMORANDUM

Fed. R. Civ. Pro. 60(b) provides that a Court may relieve a party from a judgment or order on the grounds of mistake, inadvertence or excusable neglect. Plaintiffs submit that this rule authorizes the relief sought.

Respectfully Submitted,

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By: /s/ Thomas B. Bacon

Thomas B. Bacon, Esq. (IL 139262)

and

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Certificate of Service

I hereby certify that a copy of the foregoing was served upon all parties of record referenced above via the Court's CM/ECF system this *29th* day of April, 2008.

By: /s/ Thomas B. Bacon
Thomas B. Bacon, Esq.